

JURY INSTRUCTIONS – Entitlement to lesser offense instruction with defense of not shooting gun.Revised 3/2010

A defendant is not entitled to a lesser-included jury instruction for disturbing the peace on the charge of aggravated assault where his sole defense was that he was misidentified as the shooter. *State v. Price*, 213 Ariz. 550, 145 P.3d 647 (App. 2006), *vacated on other grounds by State v. Price*, 217 Ariz. 182, 171 P.3d 1223 (2007).